

May 6, 2004  
P.O. Box 5119  
Ventura, CA 93005

Docket Unit  
California Energy Commission  
Docket No. 03-QCTA-1  
1516 9<sup>th</sup> Street, MS-4  
Sacramento, CA 95814

RE: Regulations to Approve Technical Assistance Providers and Certifiers for the California Climate Action Registry

I have reviewed the proposed regulations for the approval of Technical Assistance Providers and Certifiers, and I am disappointed to find that I am not qualified to be either an Industry-Specific or General Certifier. Although I am a Professional Engineer with 25 years experience in air pollution control, I do not qualify because I do not operate a company with a staff of either 7 or 15 persons and with a minimum annual revenue of either one or four million dollars. While the Commission is necessarily interested in approving Certifiers who are "competent to carry out the necessary functions of those positions," I do not believe that the size and income of a company is the best indication of its ability to calculate and report greenhouse gas emissions in a detailed and accurate manner.

A majority of the information requirements in Section 2080 pertain to business, conflict of interest and insurance issues. Only three of eleven sections apply directly to the evaluation of qualifications; (3) "short resumes" for each designated staff member, (5) "three samples of actual work products" for evaluation, and (7) "the applicant's anticipated approach to certification work." I do not believe that this information is adequate to evaluate the ability of an applicant to calculate and report greenhouse gas emissions in a detailed and accurate manner.

I suggest the following:

1. Require an Industry-Specific or General Certifier to be a registered Professional Engineer. According to the Code of Professional Conduct – Professional Engineering (Section 475), "[a] licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project." In addition, by law, a Professional Engineer "shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency," to his or her client, or to other involved parties. These and other regulations that apply to Professional Engineers will guarantee that the quality of work reported to the Registry will be consistently high.

2. Relax the size and income requirements for Industry-Specific or General Certifiers to allow very small or individual engineering firms to qualify. I have done innumerable air emission calculations; there is no reason that an experienced, qualified Professional Engineer cannot, with little or no staff, perform certification services for most entities wishing to report greenhouse gas emissions to the California Climate Action Registry. Since a Professional Engineer is bound by ethics and law to practice within his or her field of expertise, work product is likely to be of higher quality than that from an applicant with less-definitive qualifications.
3. As an alternative, provide special provisions to allow a qualified registered Professional Engineer to become an Industry-Specific or General Certifier on an individual basis. By eliminating size and income requirements (but retaining the conflict of interest and insurance requirements), a qualified Professional Engineer will be able to practice air pollution control engineering in this important field.

The size and income issues raised here are also inconsistent with a finding by the Commission that the proposed regulations “would not affect small business.” While the size and income requirements do not approach the state definition of “small business” (100 or fewer employees, and an annual average gross receipts of \$10 million or less over the previous three tax years), failure to allow very small or individual engineering firms to qualify as an Industry-Specific or General Certifier significantly impacts their ability to serve clients. Allowing qualified Professional Engineers to become certification providers will help alleviate this problem.

Thank you for the opportunity to comment on the proposed regulations. The understanding and control of greenhouse gas emissions is essential to the salvation of the planet. If you have any questions, please feel free to call me during office hours at 805/645-1407.

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Donald R. Price. P.E.